

## THE TILTON-BEECHER TRIAL.

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charge until I saw them incorporated in Mr. Tilton's last statement; that is my present recollection.

Q. Had you, before you were appointed on that Committee, become aware that Mrs. Bradshaw's name was attached to these charges in connection with this specification?

Mr. Shearman—Now, if it please your Honor, I have always had the most perfect objection to go on a long way.

Mr. Shearman—I think you for that.

Mr. Shearman—I do not know in what respect this is material, or what Mr. Cleveland's knowledge before he went on this Committee as to do with it at all. If the gentleman can suggest any reason, I am willing to be instructed. How does it bear on Mr. Beecher?

Judge Nelson—I do not see. The only idea is that it might be preliminary to some question that would be proper. Sometimes you inquire as to the knowledge and information of the witness, with a view to something that may be material, that you intend to come at by-and-by.

Mr. Shearman—Well, I ask respectfully that the gentleman state what the material point is to which he proposes to come. We have spent some twenty minutes on this, and I cannot see the materiality of it yet.

Mr. Shearman—That is not my fault.

Mr. Shearman—I did not object to it in the first place, but I hope that he would get through with it, and save time; and now I do object to it unless some statement is made.

Judge Nelson—Counsel cannot always state in cross-examination—cannot always very well state what he expects to arrive at.

Mr. Shearman—If I could imagine any, I would not object.

Mr. Morris—I am not responsible for the gentleman's imagination, or want of it.

Judge Nelson—Proceed.

Mr. Morris—Now, I ask you if this that I am about to read is not the subject of general talk among the members of the congregation prior to the 26th of June, 1874 [Reading].

An interview with Mrs. Bradshaw, in Thompson's dining-room in Clinton-st., on or about the 2d of August, 1870, Theodore Tilton stated that he had discovered that a criminal intimacy existed between his wife and Mr. Beecher. Afterward, in November, 1872, referring to the above conversation, Mr. Tilton said to Mrs. Bradshaw that he had the subject of the accusations which he had formerly made against Mr. Beecher.

Witness—Mrs. Andrew Bradshaw.

Q. Now, wasn't that the subject of general conversation among the members of the church prior to the 26th of June, 1874?

Mr. Tracy—I object to that.

Judge Nelson—I think we will take it on cross-examination.

Mr. Tracy—I did not hear the last observation of your Honor.

Judge Nelson—I think we will take it; it is on cross-examination.

Mr. Tracy—Supposing it is, your Honor. This is an attempt to prove the fact that a particular charge was the subject of general conversation in Plymouth Church. Now, is that legitimate evidence in this case? Is it a fact that is proper to be proved in that way, that a particular fact was the subject of general conversation?

Judge Nelson—To show that it came to the knowledge of the witness; that is the vital point.

Mr. Tracy—They may ask him when it first came to his knowledge, if that is material?

Judge Nelson—He was asking it a moment ago.

Mr. Tracy—That is not the question; they ask the witness when he first learned of it. They are seeking by that question to prove that the particular fact was the subject of general conversation in the society. Now, I submit that that is not competent evidence. It is not competent to prove the fact.

Judge Nelson—A little while ago the counsel did ask him when it first came to his knowledge; and now he asks him, I suppose, with a view of helping him to that fact.

Mr. Tracy—But if he has answered the question—the witness has answered that.

Judge Nelson—He did not tell us when it first came to his knowledge.

Mr. Morris—We haven't got an answer to that yet. I am making this preparatory to repeating that question again.

Mr. Tracy—Then, I suppose, your Honor, if the witness is interrogated as to the general conversation, we are permitted to know what the general conversation was?

Mr. Shearman—We are willing to take this, provided we are permitted to show the conversations and what was said about Mr. Tilton in Plymouth Church.

Judge Nelson—It would not open the door to that.

Mr. Morris—[To the witness]—When, Mr. Cleveland, did this charge that I have read first come to your knowledge?

Mr. Tracy—That I don't object to.

Judge Nelson—Well.

Q. What Summer? A. 1875, if that was the year; I forget the date.

Q. Yes, during the Summer of 1875, well, Mr. Cleveland, when did this Committee first meet? A. Had an informal conference, four members of it, on Sunday, the 28th of June.

Q. And where was that informal conference held? A. At Augustus Storrs's, in Monroe-place.

Q. Was the Committee then organized? A. It was not.

Q. Any statements made—any testimony taken? A. No, Sir.

Q. When was the next meeting of the Committee? A. There were several informal meetings during that week.

Q. That is not my question; was the next meeting on the 10th of July? A. I cannot recollect.

Q. Was that the first regular formal meeting for business was on the 10th of July?

Q. Was that my question? A. You asked me when the Committee next met.

Q. You say there was a meeting on the 28th—Sunday night, the 28th; I ask you when the next meeting was, did not ask you for any formal or informal meeting. Now, when did they meet, subsequent to that, next?

Mr. Shearman—Either formal or informal.

The Witness—I replied that—well, on Monday night.

Mr. Morris—On Monday night, and who were present on Monday night? A. I cannot recollect, Sir.

Q. As near as you can recollect?

Mr. Tracy—I object to that question, your Honor. I desire to raise the question now whether we are to have every meeting of the Investigating Committee, and what transpired on the meeting, I suppose, the fact being that the proceedings of that Committee are entirely immaterial as a committee. Anything that the counsel wants to inquire about that this witness did as a committee-man, he is at liberty to inquire about; but I submit that it is not worth while for us to spend the time of the Court in investigating the Investigating Committee, or in taking evidence as to the number of their meetings. I have not the slightest objection, make none, to any inquiry as to what this witness did as a committee-man at any time; but I concede they have the fullest scope.

Mr. Beech—This would seem to be within that scope.

Mr. Morris—Who was present at that meeting on Monday evening?

Mr. Tracy—At the time when the Committee met; or, who were present at each of these meetings? That is the point of my objection. I submit that if he is present, you may show anything that he did or anything that he said as a committee-man.

Judge Nelson—I think that that is so, you could show the time when and who also were present.

Mr. Tracy—I don't think you could. All I care about is this, to know whether the time of the Court is to be taken to go through with each meeting of the Committee. I suppose the rule is to be that the only object of this inquiry is to show the bias of this witness. It can have no other legitimate purpose than that; and if that is the object, they can inquire as to what this witness did as a committee-man, or anywhere else, in any capacity that he has acted affecting this case. To that we have not the slightest objection.

Judge Nelson—That may be the object; I cannot tell.

Mr. Beech—I submit that that Committee and its actions has altogether a broader scope than the counsel suggests in this case.

Mr. Morris—It has. We don't narrow it down to any such simple compass as that. I am glad to see the interest of counsel upon the other side as to the time of the Court.

Mr. Tracy—No interest about it.

Mr. Morris—As to the time of the Court, whenever we have a witness we wish to examine; but they seem to have it when it is their own case. I think they have taken up a good deal more time than we have with matters that your Honor has suggested were immaterial.

Mr. Shearman—I only suggest that the Court should limit the counsel in the line of his examination; that is all.

Mr. Morris—The question is perfectly proper and perfectly legitimate.

Judge Nelson—I think the witness can answer when the next meeting was.

Mr. Morris—He says Monday night.

The Witness—Monday night.

Mr. Morris—Now, who were present? That is the question.

Mr. Morris—All the members of the Committee, I think, but Mr. White, that I cannot recall, I mean.

Q. Was a formal organization of the Committee then elected? A. On Monday or Tuesday evening, I think.

Q. On that night I am speaking about.

Mr. Shearman—He answers.

The Witness—I am not certain whether it was that night or the next.

Mr. Morris—Either that or the next night? A. Either that or the next.

Q. Then there was a meeting on Tuesday night again, at which there was a formal organization, if it was not effected on Monday? A. I do not recollect that there was.

Q. Very well. You say the formal organization was effected Monday night, or the following night; that would be Tuesday, wouldn't it? A. If it was not on Monday night, it was on Tuesday night; I forget—

Q. Now, were any other persons present except the gentlemen that you have named—members of the Committee? A. Yes, Sir.

Q. Who? A. The stenographer, Mr. Ellinwood.

Q. Who else? Any one else? A. I do not recollect that any one else was present that evening.

Q. Any of the counsel there? A. My recollection is that they were not there.

Q. Well, on Tuesday night, who were present? A. I do not recollect about the Tuesday night meeting.

Q. When was the next meeting? A. I do not recollect the interviews of that week.

Q. Can you state when the next meeting of the Committee was? A. I do not recollect.

Q. You had a meeting on the 6th of July? A. We did not have a business meeting.

Q. Mr. Cleveland, didn't the Committee meet at Mr. Ovington's house on July the 6th? A. Five members of the Committee met there.

Q. That was a Committee, wasn't it? A. That was a Committee—Sir.

Q. And the Committee had then been organized? A. The Committee had appointed a Chairman.

Q. Yes, it was organized—the Committee—a regular Committee? A. Organized.

Q. Very well, and you went to Ovington's on July the 6th? A. We did.

Q. Was Mr. Ellinwood, the stenographer, there? A. I think he was.

Q. Now, who were the five persons there—what members of the Committee? A. All but Mr. White, I think.

Q. All but Mr. White. And who of the counsel? A. Gen. Tracy was there.

Q. Yes; who else? A. I do not recollect.

Mr. Hill—I do not recollect whether he was there.

Q. Mr. Shearman? A. I do not recollect.

Q. Well, Mrs. Tilton was before the Committee that night? A. Mrs. Tilton was before the Committee.

Q. Yes; she made a statement? A. She did.

Q. And Mr. Ellinwood, the shorthand reporter, took it down? A. I think so; I have forgot about it.

Q. And the Committee met there for the purpose of hearing her statement, didn't they? A. The Committee went there to meet her.

For that express purpose? A. Yes, Sir.

Q. And now you state again that the first formal meeting of that Committee was on the 11th of July? A. No, Sir.

Q. You correct that; you said a while ago that it was the 11th. A. I beg your pardon; I said it was on the 10th.

Q. The 10th; well, do you now say that the first formal meeting of that Committee was on the 10th of July? A. I say so distinctly.

Q. Do you do that? Well, you say you went to Ovington's—the Committee did—for the purpose of taking Mrs. Tilton's statement? A. We went to Mrs.—

Q. The Chairman had been appointed; the stenographer was there, and counsel were there, and her statement was taken. Well, we will have it stand at that.

Mr. Shearman—Better ask the question, it seems to me.

Mr. Morris—No, I will let it stand there. July 6th—what day of the week was that? A. I think that was on Monday, Sir.

Q. What time in the evening did the Committee— A. I can't state the time.

(Continuing) Commence taking the statement? A. I don't recollect the precise time.

Mr. Tracy—Whose statement are you referring to?

THE COMMITTEE AND MRS. TILTON'S STATEMENT.

Mr. Morris—Mrs. Tilton's. [To the witness.] That statement, as made there that night, has never been published, has it? A. It has not, Sir, by itself.

Q. Have you seen the stenographer's minutes of it? A. I never have.

Q. Do you know what became of them? A. I do not.

Q. Were not the stenographers directed at the conclusion of your investigation to deliver up their notes to the Committee? A. I presume so, Sir; I do not recollect about that.

Q. And what has the Committee done with them? A. They are in the hands of the Examining Committee of Plymouth Church.

Q. All the statements made before that Committee? A. I cannot swear that all of them are; I know of no exception, and yet I don't know—

Q. Do you know who delivered them to the Examining Committee? A. I do not.

Q. Was there any action taken by your Committee upon that subject—anyone directed to do that? A. My impression is they were delivered to the clerk of the church to be handed over to the Examining Committee.

Q. And who was the clerk of the church? A. Thomas G. Shearman.

Q. Well, did the Committee direct him to hand them over to the Examining Committee? A. The Committee were directed by their appointment to make its returns to the Examining Committee.

Q. No, no, that is not the question. I do not recollect that that did not.

Q. Was there any action taken by the Committee upon that subject? A. I do not recollect any.

Q. Why do you say that your impression is that Mr. Shearman was directed to hand them over to the Examining Committee? A. I did not say that Mr. Shearman was directed; I said my impression was they were handed over to Mr. Shearman to be delivered to the Examining Committee.

Q. Given to him by whom? A. By the Committee.

Q. Well, which member of the Committee? A. I have no recollection about that.

Q. You have no recollection upon the subject at all? A. The notes must have gone from the stenographer.

Q. I do not want your reasoning; but have you any recollection? A. I have none.

Q. No recollection that they were delivered to Mr. Shearman at all? A. I have knowledge of it.

Q. You have no recollection of it? A. I have not.

Q. No recollection? A. None.

Q. And no knowledge?

Mr. Tracy—Well, that is four times he has said that.

Q. Why did you refer to him then as the person. A. Because, Sir, by virtue of the condition of the appointment of the Investigating Committee, it was to make its examination and find its results, and report to the Examining Committee of Plymouth Church. Mr. Shearman was Clerk of the church, and while I recollect nothing about it—

Q. Was he Clerk of the Examining Committee?

Mr. Beech—Wait a moment, let us hear him.

The Witness—He was Clerk of Plymouth Church. My impression about it is, and that is simply an impression, that that matter was sent to the Examining Committee through the Clerk, the proper officer of the church.

Q. Is there a Clerk of the Examining Committee independent of the Clerk of the church? A. Yes, Sir.

Q. Who was that person—what is his name? A. I think Mr. Talnage was then; I forget.

MR. TILTON BEFORE THE COMMITTEE.

Q. Well, when was the next meeting of the Committee after the 10th of July?

Q. 10th of July? A. I think that was the meeting held at Augustus Storrs's.

Q. And who were present there? A. I think the full Committee, but it would be impossible for me to swear, at any meeting for 30 days or 60 days, to the full meeting of the Committee.

Q. Who was before the Committee that night? A. Theodore Tilton.

Q. What time did he get to the Committee? A. I should say at 9 o'clock in the evening.

Q. How long did he remain there? A. Well, I cannot say; from one to two hours, or less.

Q. Did you receive a communication while he was before the Committee from any person? A. I did.

Q. From whom? A. Mrs. Ovington.

Q. What was it? A. I cannot state the details of it.

Q. A note? A. A note; yes, Sir.

Q. Have you that note? A. I have not.

Q. You don't know where it is? A. I don't.

Q. Now, give us the purport of that note?

Mr. Shearman—We got to do with Mr. Tilton or Mr. Beecher?

Judge Nelson—I don't see what it has to do, myself.

Mr. Morris—Well, I can state to your Honor very clearly and plainly what it has to do. It is simply in the direct line of proof that we have already given upon that subject that has been gone into. I propose to connect it with the fact of Mrs. Tilton's abandoning her home the next morning, simultaneously with the announcement of this Committee, because no public knowledge—there was no public knowledge of the existence of the Committee prior to that. I propose to show that it was a part of the conspiracy, entered into deliberately, as we will show, to get Mrs. Tilton to abandon her home, and get possession of her before the Committee was announced, and this is a link in the chain of that evidence.

Mr. Morris—The trouble is, if your Honor please, that no chain, however strong, between Mrs. Ovington and Mr. Cleveland is a part of any such link that affects us.

Mr. Morris—We will see about that.

Mr. Morris—Well, that is my proposition to have it seen now; now is the time to see it.

Mr. Morris—Well, I think it is quite apparent.

Judge Nelson—Well, that was a note by Mrs. Ovington; we will see what it is; see what the note is.

Mr. Morris—Now, what was the purport of that note?

Mr. Morris—We object, if your Honor please, to this evidence.

Judge Nelson—Yes.

Mr. Morris—And except to the admission of it.

Mr. Morris—What was the purport of it? A. My recollection—my positive recollection about that note is that it was an inquiry if Mr. Tilton was before the Committee.

Q. Precisely, and did you convey information to her that he was before the Committee that night? A. I did; I conveyed some information; I have forgot what I said to her.

Q. Didn't you convey to her the information that Theodore Tilton was before the Committee? A. I think I did; yes, Sir.

Q. Have you any doubt about that? A. I haven't, really, if that is the question.

Mr. Morris—That is the question.

The Witness—If that was her question, I mean.

Mr. Morris—Wasn't it her question? A. I don't recollect.

Q. Do you mean to say that you have any doubts upon that? A. No doubts, no doubts; it is not of any consequence.

Q. Mr. Tilton was present there when you received this note, and when you sent the answer—he was not aware of the fact, was he? A. I don't know about that.

Q. What do you think about it? A. Well, I presume he was not.

Q. No—well, that was on the night of the 10th? A. That was the night of the 10th; yes, Sir.

Q. Well, the next morning Mrs. Tilton left her home, didn't she? A. I don't know, Sir.

Q. You have so understood it, haven't you? A. I have no knowledge on that point.

Q. You have so understood it, haven't you? A. I suppose she did, Sir.

Q. And next morning appeared the letter calling upon the Committee to act in the public press, didn't it? A. Saturday morning, the 11th.

Q. Yes, Saturday morning, the 11th; and that was the first public announcement that had ever been made of the existence of that Committee, wasn't it? A. That was; yes, Sir.

Mr. Morris—If your Honor will allow me to suggest to my learned friend, he is not drawing out now any new matters of proof—I mean in these last few questions; but only referring to things that are in proof, and reasoning, as it were, with the witness, without any proper application to the present functions of getting testimony from the witness. We are, in order of evidence, it is not of any great importance, of course; but this gentleman is suffering from very severe pain, and really if we could omit expostulating or arguing ad hominem with him about facts that have been proved from other sources—without inquiry to the cause of the plaintiff—it is desirable it should be done.

Judge Nelson—It is desirable, certainly, to abbreviate—

Mr. Morris—I do not propose to take any unnecessary time with this witness at all.

Mr. Morris—I suppose you have your purpose.

Mr. Morris—We have been willing to accommodate him with reference to the examination, went to the house, and had several sessions for that purpose; but they expressed their preference to have the witness come into court.

Mr. Morris—I suggest that the time should be devoted to getting facts out of this witness, not arguing about what other people have proved.

Judge Nelson—The date of Mrs. Tilton's leaving, I think, we have had before.

Mr. Beech—I think not. I don't think we had any knowledge of the date Mrs. Ovington, or any knowledge that Saturday, the 11th, was the first public announcement of this Committee.

Mr. Morris—Oh, yes, we have all that.

Mr. Morris—Well, now, Mr. Morris, I do not understand what you have objected to.

Judge Nelson—The suggestion of Mr. Morris is that this witness, in his present state of health, would naturally feel disposed to be relieved as soon as you can.

Mr. Morris—Whenever the witness indicates that he desires to leave, why we can adjourn. But the witness has made no indication yet at all, and I think the witness understands his condition better than the counsel does.

Now, Mr. Cleveland, intermediate the publication of the Bacon letter and the announcement of the appointment of the Committee on the 11th of July, there had been great anxiety expressed, had there not, publicly, in regard to Mr. Beecher's silence with reference to the Bacon letter? A. I don't know about that, I am sure.

Q. Don't you know that it was the subject of almost universal comment in the press?

Mr. Shearman—Well, if your Honor please, I submit what has this got to do with this issue or with the conduct of this witness, and in what way is it connected with Mr. Beecher? What has it got to do with the case? I object. It seems to me that